REMARKS

This is a response to the Office Action dated February 24, 2003.

The examiner is requested to acknowledge the priority claim and receipt of the priority document.

Claims 1, 3, 14, 16, 18, 29 and 31 are amended.

Claims 1, 2, 7-11, 13, 15-17, 22-26 and 28-30 have been rejected under 35 U.S.C. §103 as being unpatentable over U.S. Patent 6,226,652 to Percival et al., U.S. Patent 6,216,140 to Kramer and U.S. Patent 6,446,240 to Maslov. Applicants respectfully traverse this and the other rejections

Percival et al. disclose a system for merging a plurality of varying versions of a set of computer files where a user can visually select the proper version of any collision (column 1, lines 35-40). However, as acknowledged by the Examiner, Percival et al. do not provide a tree structure to a user. Furthermore, Percival et al. do not disclose or suggest highlighting, in a tree structure, the differences between the elements of base and modified files. See Applicants' Figure 2, for example. Kramer is concerned with comparing hierarchies of files and directories to determine which can be shared among different applications (abstract). Kramer uses a comparison operation that determines the differences between items, i.e., files or directories, by looking at the hierarchies rather than the actual data which the hierarchies represent (column 5, lines 65-67, column 7, lines 48-50). Thus, Kramer is not concerned with comparing elements of files to one another. Instead, Kramer detects equivalent items based on a common identifier and database address (column 7, lines 57-67). In contrast, Applicants' claim 1, for example sets forth comparing the elements of a base file to the elements of a modified file, providing a tree structure

9

combining the elements of the base and modified files, and highlighting, in the tree structure, the differences between the elements of the base and the modified files.

Maslov is concerned with a user interface that displays both structured text and a tree that represents the structured text (abstract). The interface allows a user to apply transformation operations to the tree, and see the results in the structured text. Clearly, there is no disclosure or suggestion of identifying to a user the differences between elements of two hierarchically structured files. Instead, Maslov is concerned with modifying a single file or program (column 4, lines 24-26). Accordingly, the combination of Percival et al., Kramer and Maslov fails to disclose or suggest Applicants' invention as set forth in claim 1. Moreover, the proposed combination is impermissibly motivated by hindsight.

Applicants' dependent claims recite further patentably distinct features. Regarding claim 2, Percival et al. and the other cited references fail to disclose or suggest allowing a user to resolve differences between elements that have been highlighted in a tree structure.

Regarding claim 7, Maslov and the other cited references fail to disclose or suggest visually displaying a tree structure that combines elements of base and modified files, and on which differences between the elements of the base and modified files are highlighted.

Regarding claim 8, the cited references fail to disclose or suggest visually displaying a tree structure as claimed.

Regarding claim 9, the cited references fail to disclose or suggest displaying source code for a selected element of a tree structure as claimed. As mentioned, Maslov and the other cited references are not concerned with a tree structure that combines elements of base and modified files, and on which differences between the elements of the base and modified files are

10

highlighted.

Regarding claims 10, 11 and 13, the Examiner is respectfully requested to cite the basis for the assertions made relative thereto.

Regarding claims 15 and 16, Applicants refer to the comments made regarding claim 1.

Regarding claim 29, further to the discussion in connection with claim 1, none of the cited references discloses or suggests producing a parse tree output for two hierarchically structured files, and a comparison module to compare the parse tree outputs from the parser and to create a merged tree from the parse tree outputs. Percival et al. do not provide any parse tree output, Kramer does not provide a parse tree output nor determine the differences between two hierarchically structured files, and Maslov does not provide a parse tree output to determine the differences between two hierarchically structured files.

Regarding claim 30, none of the cited references discloses or suggests a tree view module to display a merged tree. Maslov is only concerned with displaying structured text and a tree that represents the structured text for a single program or file.

Withdrawal of the rejection is therefore respectfully requested.

Claims 3-6, 18-21 and 31 have been rejected under 35 U.S.C. §103 as being unpatentable over Percival et al. in view of Kramer and Maslov and further in view of U.S. Patent 3,711,863 to Bloom.

Regarding claim 3, Bloom and the other cited references are not concerned with indicating to a user, in a tree structure, differences between elements in base and modified files by one of the identifiers: new, changed or removed.

Regarding claims 4-6, the cited references do not disclosure or suggest providing the user

11

with the option of using a new element, whereby the new element and children thereof, if any, are incorporated into a merged file, since the cited references are not concerned with children elements as claimed.

Regarding claims 18-21, refer to the above comments.

Regarding claim 31, the cited references fail to disclose or suggest a hierarchical data structure including nodes corresponding to a hierarchical element contained within a base file or a modified file, where each node has an indicator indicating if the node is new, changed or removed when comparing the nodes of the base file to the modified file. As discussed in connection with claim 1, Percival et al. do not disclose or suggest even a hierarchical data structure including nodes corresponding to a hierarchical element. Kramer does not disclose or suggest a hierarchical data structure with indicators for nodes as claimed when comparing a base file to a modified file. Maslov is not even concerned with comparing different files. Accordingly, the teachings of the cited references could not even be combined into a working system.

Withdrawal of the rejection is therefore respectfully requested.

Claims 12 and 27 have been rejected under 35 U.S.C. §103 as being unpatentable over Percival et al. in view of Kramer and Maslov and further in view of U.S. Patent 5,862,325 to Reed et al. Regarding the use of a <Uuid> tag, Reed et al. only state that UUID is an algorithm for producing unique system identifiers. There is no motivation to use the identifier as claimed by Applicants.

Withdrawal of the rejection is therefore respectfully requested.

Claim 14 has been rejected under 35 U.S.C. §103 as being unpatentable over Percival et

12

al. in view of Kramer and Maslov and further in view of U.S. Patent 5,806,074 to Souder et al.

Claim 14 is believed to be patentable for the reasons discussed in connection with claim 1. Regarding Souder er al., Applicants respectfully believe there is no motivation to apply this reference as asserted.

Withdrawal of the rejection is therefore respectfully requested.

In summary, it is respectfully submitted that this application is in condition for allowance. Accordingly, it is respectfully requested that this application be allowed and a Notice of Allowance be issued. If the Examiner believes that a telephone conference with the Applicants' attorneys would be advantageous to the disposition of this case, the Examiner is requested to telephone the undersigned.

Respectfully submitted,

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